(39)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH: HON'BLE SHRI SATISH K. AGNIHOTRI, J.

W.P. (C) No.6627 of 2006

PETITIONER Puran Lal Sahu, aged 52 years, S/o Shri Chhabi Lal Sahu posted as Patwari (Suspended), at – O/o Tahsil Gurur, District – Durg (C.G.) R/o Vill. – Ramtara, P.O. – Tarri, District – Durg (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, through: The Secretary, Department of Revenue, D.K.S. Bhawan, Raipur
2. The Collector, Land Records, District – Durg (C.G.)
3. The Sub-Divisional Officer (Revenue), Balod, District – Durg (C.G.)
4. Shri Pardesh Ram Devhare, Assistant Gram Panchayat Officer, Gram Panchayat, Chilhatikala, Janpad Panchayat, Doundilohara, District – Durg (C.G.)

Present: Shri R.K. Kesharwani, counsel for the petitioner.

Shri Sunita Jain, Panal Lawyer for the State.

ORDER

(Passed on 28th March, 2007)

The petitioner is working as Patwari and posted at P.H. No.38, Village – Chihatikala, Tahsil – Gurur, District Durg (C.G.). He was placed under suspension vide order (Annexure P-5) under the provision of Rule 9 (1) (b) and Rule 9 (2) (a) of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966, on the ground that in respect of Crime No.115/2002 under Section – 420/34 of I.P.C. the petitioner was arrested and remained in the jail for more than 48 hours.

2. Learned counsel appearing for the petitioner submits that the petitioner seeks revocation of the suspension order on the ground that

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a similarly situated employee, namely Shri Pardesh Ram Devhare, who is co-accused in the crime in question, was initially placed under suspension and subsequently his suspension has been revoked.

3. Be that as it may, it is admitted that the criminal case has been pending against the petitioner and the petitioner has been suspended on account of pendency of that criminal case.

4. It is well settled principle of law that the suspension is temporary and it does not involve punishment with civil consequences. Suspension means a temporary deprivation of the functions not amounting to any reduction of his rank or his status. The employee under suspension continues to be a Government Servant, he is not permitted to work keeping in view pendency of criminal case to avoid undue influence in the proceedings of criminal case and likely tampering with on records.

5. In view of the above, I do not find any merit in the petition, which deserves to be and is dismissed. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Indu